

APPEAL NO. 032953  
FILED DECEMBER 16, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 8, 2003. The hearing officer determined that the compensable injury of \_\_\_\_\_, includes the diagnosis of major depression and/or panic disorder. The appellant (carrier) appeals this determination on legal and sufficiency of the evidence grounds. The respondent (claimant) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury of \_\_\_\_\_, includes the diagnosis of major depression and/or panic disorder. We have said that depression is compensable if it is the "result of the injury" as opposed to being traceable to the "circumstances arising out of and immediately following the injury." Texas Workers' Compensation Commission Appeal No. 961449, decided September 9, 1996. To be clear, where the depression naturally flowed from the pain and physical limitations caused by the compensable injury, the depression is compensable; whereas depression that resulted from the stress of workers' compensation "system" or financial difficulties is not compensable. See Texas Workers' Compensation Commission Appeal No. 012398, decided November 27, 2001; Texas Workers' Compensation Commission Appeal No. 010321, decided March 28, 2001. The fact that there may be more than one cause of the claimant's depression does not preclude a finding of compensability, provided that there is a causal connection between the compensable injury and the claimant's condition. Appeal No. 961449, *supra*. We decline to reconsider these decisions.

Whether the claimant's compensable injury includes major depression and/or panic disorder involved a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the applicable law and the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Margaret L. Turner  
Appeals Judge